

107TH CONGRESS
2D SESSION

H. R. 5106

To provide for coverage of scalp hair prosthesis for individuals who have scalp hair loss as a result of alopecia areata under the Medicare and Medicaid Programs, State children's health insurance program (SCHIP), Federal employees health benefits program (FEHBP), veterans health care programs, TRICARE, and Indian Health Service (IHS).

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2002

Ms. RIVERS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Government Reform, Veterans' Affairs, Armed Services, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for coverage of scalp hair prosthesis for individuals who have scalp hair loss as a result of alopecia areata under the Medicare and Medicaid Programs, State children's health insurance program (SCHIP), Federal employees health benefits program (FEHBP), veterans health care programs, TRICARE, and Indian Health Service (IHS).

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Alopecia Fairness Expansion Act of 2002”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title.

Sec. 2. Medicare coverage of scalp hair prosthesis for individuals who have
scalp hair loss as a result of alopecia areata.

Sec. 3. Medicaid coverage of scalp hair prosthesis for individuals who have
scalp hair loss as a result of alopecia areata.

Sec. 4. SCHIP coverage of scalp hair prosthesis for individuals who have scalp
hair loss as a result of alopecia areata.

Sec. 5. FEHBP coverage of scalp hair prosthesis for individuals who have scalp
hair loss as a result of alopecia areata.

Sec. 6. Veterans’ coverage of scalp hair prosthesis for individuals who have
scalp hair loss as a result of alopecia areata.

Sec. 7. TRICARE coverage of scalp hair prosthesis for individuals who have
scalp hair loss as a result of alopecia areata.

Sec. 8. IHS coverage of scalp hair prosthesis for individuals who have scalp
hair loss as a result of alopecia areata.

6 **SEC. 2. MEDICARE COVERAGE OF SCALP HAIR PROSTHESIS**
7 **FOR INDIVIDUALS WHO HAVE SCALP HAIR**
8 **LOSS AS A RESULT OF ALOPECIA AREATA.**

9 (a) IN GENERAL.—Section 1861(s)(2) of the Social
10 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

11 (1) by striking “and” at the end of subpara-
12 graph (U);

13 (2) by adding “and” at the end of subpara-
14 graph (V); and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(W) scalp hair prosthesis (which may include
18 artificial substitutes for scalp hair) for an individual

1 who has scalp hair loss as a result of alopecia areata
2 if the attending physician of the individual certifies
3 in writing the medical necessity of that proposed
4 course of rehabilitative treatment;”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 subsection (a) shall apply to items furnished on or after
7 July 1, 2003.

8 **SEC. 3. MEDICAID COVERAGE OF SCALP HAIR PROSTHESIS**
9 **FOR INDIVIDUALS WHO HAVE SCALP HAIR**
10 **LOSS AS A RESULT OF ALOPECIA AREATA.**

11 (a) IN GENERAL.—Section 1905(a) of the Social Se-
12 curity Act (42 U.S.C. 1396d(a)) is amended—

13 (1) by striking “and” at the end of paragraph
14 (26);

15 (2) by redesignating paragraph (27) as para-
16 graph (28); and

17 (3) by inserting after paragraph (26) the fol-
18 lowing new paragraph:

19 “(27) scalp hair prosthesis (which may include
20 artificial substitutes for scalp hair) for an individual
21 who has scalp hair loss as a result of alopecia areata
22 if the attending physician of the individual certifies
23 in writing the medical necessity of that proposed
24 course of rehabilitative treatment; and”.

1 (b) EFFECTIVE DATE.—(1) Except as provided in
2 paragraph (2), the amendments made by subsection (a)
3 apply to calendar quarters beginning on or after July 1,
4 2003, without regard to whether or not final regulations
5 to carry out such amendments have been promulgated by
6 such date.

7 (2) In the case of a State plan for medical assistance
8 under title XIX of the Social Security Act which the Sec-
9 retary of Health and Human Services determines requires
10 State legislation (other than legislation appropriating
11 funds) in order for the plan to meet the additional require-
12 ment imposed by the amendment made by subsection (a),
13 the State plan shall not be regarded as failing to comply
14 with the requirements of such title solely on the basis of
15 its failure to meet this additional requirement before the
16 first day of the first calendar quarter beginning after the
17 close of the first regular session of the State legislature
18 that begins after the date of the enactment of this Act.
19 For purposes of the previous sentence, in the case of a
20 State that has a 2-year legislative session, each year of
21 such session shall be deemed to be a separate regular ses-
22 sion of the State legislature.

1 **SEC. 4. SCHIP COVERAGE OF SCALP HAIR PROSTHESIS FOR**
2 **INDIVIDUALS WHO HAVE SCALP HAIR LOSS**
3 **AS A RESULT OF ALOPECIA AREATA.**

4 (a) IN GENERAL.—Section 2103(a) of the Social Se-
5 curity Act (42 U.S.C. 1397cc(a)) is amended by adding
6 after and below paragraph (4) the following:

7 “No coverage may be approved under this section
8 unless the coverage provides benefits for scalp hair
9 prosthesis (which may include artificial substitutes
10 for scalp hair) for an individual who has scalp hair
11 loss as a result of alopecia areata if the attending
12 physician of the individual certifies in writing the
13 medical necessity of that proposed course of rehabili-
14 tative treatment.”.

15 (b) EFFECTIVE DATE.—(1) Except as provided in
16 paragraph (2), the amendments made by subsection (a)
17 apply to calendar quarters beginning on or after July 1,
18 2003, without regard to whether or not final regulations
19 to carry out such amendments have been promulgated by
20 such date.

21 (2) In the case of a State plan for medical assistance
22 under title XIX of the Social Security Act which the Sec-
23 retary of Health and Human Services determines requires
24 State legislation (other than legislation appropriating
25 funds) in order for the plan to meet the additional require-
26 ment imposed by the amendment made by subsection (a),

1 the State plan shall not be regarded as failing to comply
 2 with the requirements of such title solely on the basis of
 3 its failure to meet this additional requirement before the
 4 first day of the first calendar quarter beginning after the
 5 close of the first regular session of the State legislature
 6 that begins after the date of the enactment of this Act.
 7 For purposes of the previous sentence, in the case of a
 8 State that has a 2-year legislative session, each year of
 9 such session shall be deemed to be a separate regular ses-
 10 sion of the State legislature.

11 **SEC. 5. FEHBP COVERAGE OF SCALP HAIR PROSTHESIS**
 12 **FOR INDIVIDUALS WHO HAVE SCALP HAIR**
 13 **LOSS AS A RESULT OF ALOPECIA AREATA.**

14 (a) IN GENERAL.—Section 8902 of title 5, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing:

17 “(p)(1) A contract may not be made or a plan ap-
 18 proved which does not include coverage for scalp hair pros-
 19 thesis (which may include artificial substitutes for scalp
 20 hair) for an individual who has scalp hair loss as a result
 21 of alopecia areata if the attending physician of the indi-
 22 vidual certifies in writing the medical necessity of that
 23 proposed course of rehabilitative treatment.

24 “(2) The coverage required under this subsection is
 25 not subject to dollar limits, deductibles, and coinsurance

1 provisions that are less favorable than those for other
 2 prosthesis coverage under a health benefits plan, except
 3 that a plan may provide that the plan will only pay for
 4 80 percent of the customary and usual costs of the scalp
 5 hair prosthesis exclusive of any deductible.”.

6 (b) EFFECTIVE DATE.—The amendment made by
 7 subsection (a) shall apply with respect to items furnished
 8 on or after January 1, 2004.

9 **SEC. 6. VETERANS’ COVERAGE OF SCALP HAIR PROSTHESIS**
 10 **FOR INDIVIDUALS WHO HAVE SCALP HAIR**
 11 **LOSS AS A RESULT OF ALOPECIA AREATA.**

12 (a) IN GENERAL.—Section 1701(6) of title 38,
 13 United States Code, is amended by adding at the end the
 14 following new subparagraph:

15 “(G) Scalp hair prosthesis (which may include
 16 artificial substitutes for scalp hair) for a person who
 17 has scalp hair loss as a result of alopecia areata;”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall apply to items furnished on or after
 20 October 1, 2002.

21 **SEC. 7. TRICARE COVERAGE OF SCALP HAIR PROSTHESIS**
 22 **FOR INDIVIDUALS WHO HAVE SCALP HAIR**
 23 **LOSS AS A RESULT OF ALOPECIA AREATA.**

24 (a) IN GENERAL.—Section 1074c of title 10, United
 25 States Code, is amended by striking “resulting from the

1 treatment of a malignant disease” and inserting “(includ-
 2 ing alopecia resulting from the treatment of a malignant
 3 disease)”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 subsection (a) shall apply with respect to items furnished
 6 on or after October 1, 2002.

7 **SEC. 8. IHS COVERAGE OF SCALP HAIR PROSTHESIS FOR**
 8 **INDIVIDUALS WHO HAVE SCALP HAIR LOSS**
 9 **AS A RESULT OF ALOPECIA AREATA.**

10 (a) IN GENERAL.—The Indian Health Care Improve-
 11 ment Act (25 U.S.C. 1601 et seq.) is amended by inserting
 12 after section 225 the following new section:

13 “SCALP HAIR PROSTHESIS

14 “SEC. 226. The Secretary, through the Service, shall
 15 provide scalp hair prosthesis (which may include artificial
 16 substitutes for scalp hair) for an Indian who has scalp
 17 hair loss as a result of alopecia areata if the attending
 18 physician of the Indian certifies in writing the medical ne-
 19 cessity of that proposed course of rehabilitative treat-
 20 ment.”.

21 (b) EFFECTIVE DATE.—The amendment made by
 22 subsection (a) shall apply with respect to items furnished
 23 on or after January 1, 2003.

○